



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Consider the Lodi Unified School District 1991-92
Declaration of Impaction

MEETING DATE: October 16, 1991

PREPARED BY: Community Development Director

RECOMMENDED ACTION: That the City Council conduct a public hearing to consider the Lodi Unified School District 1991-92 Declaration of Impaction and **take** appropriate action.

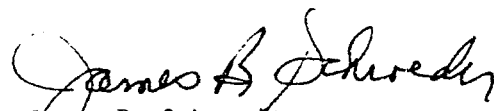
BACKGROUND INFORMATION: On September 3, 1991 the Lodi Unified School District Board of Trustees adopted Resolution 91-98 Declaring Continued Conditions of Overcrowding in the District.

All schools within the corporate limits of the City of Lodi were listed as over crowded.

The District is asking the City Council to adopt a Resolution declaring continued impacting so that LUSD may continue to adopt \$8201 fee (old fee).

District staff will be available to discuss this matter with the City Council.

FUNDING: None required.


James B. Schroeder
Community Development Director

JBS/cg

Attachments

APPROVED: 

THOMAS A. PETERSON

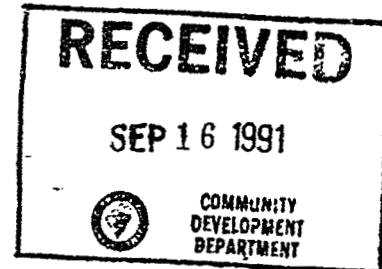


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lodi unified school district

FACILITY PLANNING DEPARTMENT
1300 West Lodi Avenue, Suite S, Lodi, California 95242
Mailing Address: 815 West Lockeford Street, Lodi, California 95240



September 15, 1991

Mr. Jim Schröder
City of Lodi, Community Development
City Hall
221 West Pine Street
Lodi CA 95241-1910

Dear Mr. Schroder:

Attached is a listing of Lodi Unified Schools within the Lodi city limits.

All of the elementary schools and the middle school are impacted and are on a year round calendar.

The high schools are also impacted and are on a modified traditional calendar.

If you would like additional information, please call.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Fred Yeager'.
Fred Yeager
Planning Analyst

Impacted Schools in the City of Lodi 1991-92 School Year

ELEMENTARY

Beckman
Heritage
Lakewood
Lawrence
Nichols
Reese
Vinewood
Washington

MIDDLE

Senior El

HIGH

Tokay High
Lodi High
Liberty High

OTHER

Washington DCH



lodi unified school district

FACILITY PLANNING DEPARTMENT
1300 West Lodi Avenue, Suite S, Lodi, California 95242
Mailing Address: 815 West Lockeford Street, Lodi, California 95240

September 4, 1991

RECEIVED

SEP 11 1991



COMMUNITY
DEVELOPMENT
DEPARTMENT

Mr. Tom Peterson
City Manager
City of Lodi
221 West Pine Street
Lodi, CA 95240 -

Re: 1991 Declaration of Impaction (SB 201 Developer Fee - Old Bedroom Tax)

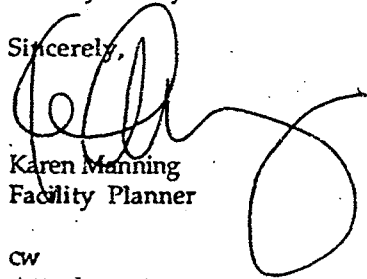
Dear Mr. Peterson:

Transmitted herewith is a copy of Resolution 91-98 "Declaring Impacted school Attendance Areas" for the 1991-92 year. The District respectfully requests that the City of Lodi adopt a resolution declaring continued impaction in the Lodi Unified School District and continuance of Ordinance No. 1149.

The District intends to continue collection of Developer Fees for schools under the provisions of AB 2926; however, the District requests that the City of Lodi's authority to collect the "old fee" (SB 201) be retained in the event the District or City of Lodi are precluded from collecting the "new fee." Approval of the annual resolution will maintain the "status quo" and result in no increased fees or changes in procedure.

Thank you for your consideration.

Sincerely,


Karen Manning
Facility Planner

cw
Attachment

cc: Jim Schroeder, Director of Community Development
Dixon Flynn, Finance Director

BEFORE THE BOARD OF TRUSTEES OF THE LODI UNIFIED SCHOOL
DISTRICT OF THE COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA

RESOLUTION 91-98

DECLARING CONTINUED CONDITIONS OF OVERCROWDING

WHEREAS, the Lodi Unified School District will have 5.027 "unhoused" students by State definition in the 1991-92 school year; and

WHEREAS, a formal request to each local agency is required annually in order to continue the ordinances permitting collection of developer fees pursuant to SB 201; and

WHEREAS, - such a continuance of authority is in the best interest of the District and the students and communities it serves.

NOW, THEREFORE, BE IT RESOLVED that the District hereby requests that the City of Lodi, the City of Stockton, and the County of San Joaquin adopt resolutions declaring the following attendance areas within the Lodi Unified School District as overcrowded for the purpose of maintaining the previously adopted developer fee ordinances pursuant to SB 201.

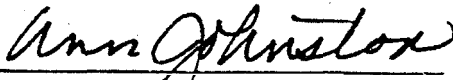
BE IT FURTHER RESOLVED, that the District will not request the cities or county to collect developer fees under the provisions of ordinances pursuant to SB 201 unless the District is prohibited from collecting directly under the provisions of current statutes commencing with AB 2926.

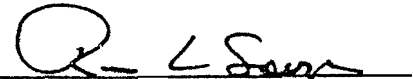
PASSED AND ADOPTED this 3rd day of September, 1991, by the following vote of the Board of Trustees of the Lodi Unified School District, to wit:

AYES: Johnston, Souza, Heberle, Suess, Ball, Davis

NOES: None

ABSENT: Lynch


Ann Johnston, Clerk of the
Board of Trustees


Rick Souza, President of the
Board of Trustees

15.44.100

be filed with the city clerk within fifteen days of the date notice of the decision is made.

B. The city council shall hold a hearing on the appeal within thirty days of the date on which the appeal was filed. The city clerk shall send written notice of the hearing to the appellant at least seven days prior to the date of the hearing. The determination of the city council shall be considered as final. (Prior code § 5-28)

Chapter 15.48

SCHOOL FACILITIES DEDICATIONS

Sections:

Article I. General Provisions

- 15.48.010** Title and purpose.
- 15.48.020** Statutory authority —
Conflicts.
- 15.48.030** General plan
conformance.
- 15.48.040** Regulation
promulgation.

Article II. Definitions

- 15.48.050** Applicability.
- 15.48.060** Developer.
- 15.48.070** Dwelling unit.
- 15.48.080** Mobilehome space.
- 15.48.090** School districts.
- 15.48.100** Conditions of
Overcrowding.
- 15.48.110** Reasonable methods of
mitigating conditions of
overcrowding.

15.48.120 Residential development

Article III. Procedure and Requirements

- 15.48.130** Notice of overcrowding
by school districts —
Findings.
- 15.48.140** Notice of overcrowding
by school districts —
Contents.
- 15.48.150** Designation of
overcrowded school.
- 15.48.160** Residential development
approval—Findings
required.
- 15.48.170** Residential development
approval—Exemptions.
- 15.48.180** District schedule of use.
- 15.48.190** Land or fees —
Preference of developer.
- 15.48.200** Land or ~~fees~~ —
Determination.
- 15.48.210** Dedication.
- 15.48.220** Fee payment.
- 15.48.230** Amount required.
- 15.48.240** Use of land and fees.
- 15.48.250** Accounting and report
by school district.
- 15.48.260** Termination of
requirements.
- 15.48.270** School capacity
determination.

Article I. General Provisions

15.48.010 Title and purpose.

The ordinance codified in this chapter shall be known as the "school facilities dedication ordinance." The purpose of **this** chapter is to provide a method for financing interim school facilities **neces-**
sitated by new residential developments

causing conditions of overcrowding.
(Prior code § 19A-1A)

**15.48.020 Statutory authority—
Conflicts.**

This chapter **is** enacted pursuant to Chapter **4.7** (commencing with Section 65970) of Division 1 of Title 7 of the Government Code. In the case of any conflict between the provisions of this chapter and those of Chapter 4.7, the latter shall prevail. (Prior code § 19A-1B)

15.48.030 General plan conformance.

The city's general plan provides for the location of **public schools**, interim school facilities to be constructed *from* fees or land **required** to be dedicated, or both, shall be consistent with the general plan. (Prior code § 19A-1C)

15.48.040 Regulation promulgation.

The council **may** from time to time, by resolution, issue regulations to establish administration, procedures, interpretation and policy direction for this chapter. (Prior code § 19A-1D)

Article II. Definitions

15.48.050 Applicability.

Except where the context otherwise requires, the definitions given in this **article** govern the construction of this chapter. (Prior code § 19A-2A)

15.48.060 Developer.

"Developer" includes every person, firm, corporation, or other business entity constructing or installing a new dwelling unit or mobile home space, either directly or through the services of

any employee, agent or independent contractor. (Prior code § 19A-2B)

15.48.070 Dwelling unit.

"Dwelling unit" includes each single-family dwelling **and** each unit of a multi-unit dwelling structure designed **as a separate** habitation for one **or** more occupants. "Dwelling unit" **also** includes a new **factory-built** housing installed in accordance with **Section** 19960 et seq. of the Health and Safety Code of the state. (Prior code § 19A-2C)

15.48.080 Mobile home space.

"Mobile home space" includes each **space in a** mobile home park designed to be used for parking a mobile home **or a** temporary, semipermanent or permanent **basis**. (Prior code § 19A-2D)

15.48.090 School districts.

"School districts" includes **all** school districts located in whole or in part within the city. (Prior code § 19A-2E)

**15.48.100 Conditions of
overcrowding.**

"Conditions of overcrowding" means that the total enrollment of **a** school, including enrollment from proposed development, exceeds the capacity of such school as determined by the governing body of the district. (Prior code § 19A-2F)

**15.48.110 Reasonable methods of
mitigating conditions of
overcrowding.**

"Reasonable methods for mitigating conditions of overcrowding" include, **but are not limited to:**

A. Any agreements entered into by the affected school district which would alleviate conditions of overcrowding caused by new residential development;

B. The use of relocatable structures, student transportation and school boundary realignments;

C. The use of available bond or state loan revenues to the extent authorized by law;

D. The use of funds which could be available from the sale of surplus school district real property and funds available from other appropriate sources, as determined by the governing body of affected school districts;

E. Agreements between a subdivider or other developer of residential developments in the affected school district whereby temporary-use buildings will be leased to or for the benefit of the school district or temporary-use buildings owned by the school district will be used. (Prior code § 19A-2G)

15.48.120 Residential development

"Residential development" means a project containing residential dwellings, including mobile homes, of one or more units, or a division of land for the purpose of constructing one or more residential dwelling units. Residential development includes, but is not limited to, a preliminary or final development plan, a subdivision tentative map, a parcel map, conditional use permit, or any other discretionary permit for new residential dwelling use. (Prior code § 19A-2H)

Article III. Procedure and Requirements

15.48.130 Notice of overcrowding by school districts — Findings.

The governing body of a school district

which operates, in whole or in part, within the city may at any time, pursuant to Government Code Section 65971, notify the city council that it has found that:

A. Conditions of overcrowding exist in one or more attendance areas within the district which will impair the normal functioning of educational programs including the reason for such conditions existing;

B. All reasonable methods of mitigating conditions of overcrowding have been evaluated; and

C. No feasible methods for reducing such conditions exist. Such notification shall remain in effect until withdrawn in writing by the governing body of the school district. (Prior code § 19A-3A)

15.48.140 Notice of overcrowding by school districts — Contents.

The notice shall be in writing and shall set forth the clear and convincing evidence upon which such findings are based. It shall specify:

A. The findings listed in Section 15.48.130;

B. The findings of fact and a summary of the evidence upon which the findings in Section 15.48.130 were based;

C. The mitigation measures and methods, including those listed in Section 15.48.110, considered by the school district in any determination made concerning them by the district;

D. The precise geographic boundaries of the overcrowded attendance area or areas;

E. Such other information as may be required by council regulation. (Prior code § 19A-3B)

15.48.150 Designation of
overcrowded school.

Upon receipt of a notice as described in Section 15.48.130, the city council shall schedule and conduct a public hearing on the notification for the purpose of allowing interested parties to comment on the matter. Following such hearing, the city council shall determine whether it concurs in such finding. If the city council concurs, it shall by resolution designate the school as an overcrowded school. (Prior code § 19A-3C)

15.48.160 Residential development
approval — Findings
required.

Within the attendance area where it has been determined pursuant to Section 15.48.150 that conditions of overcrowding exist, the city's planning agency shall not thereafter approve a residential development as defined in Section 15.48.200 unless the planning agency makes one of the following findings:

A. That pursuant to this chapter, provision has been made for payment of fees, dedication of land, or both, or some other provision has been agreed upon by the applicant and the school district for a residential development to mitigate the conditions of overcrowding within that attendance area; or

B. There exist specific overriding fiscal, economic, social or environmental factors which, in the judgment of the city planning agency, would benefit the community as a whole, thereby justifying the approval of a residential development otherwise subject to the provisions of this chapter without requiring the payment of fees or the dedication of land or other

alternative provisions of this chapter. (Prior code § 19A-3D)

15.48.170 Residential development
approval — Exemptions.

Residential developments shall be exempt from the requirements of this chapter when they consist only of the following:

A. Any modification or remodeling of an existing legally established dwelling unit that does not create an additional dwelling unit;

B. The proposed development is located within a redevelopment area designated by a redevelopment agency pursuant to the Community Redevelopment Law, Health and Safety Code Section 33000; or

C. A condominium project converting an existing apartment building into a condominium where no new dwelling units are added;

D. Any rebuilding of a legally established dwelling unit destroyed or damaged by fire, explosion, act of God or other accident or catastrophe;

E. Any rebuilding of an historical building recognized, acknowledged and designated as such by the planning agency. (Prior code § 19A-3E)

15.48.180 District schedule of use.

Following the decision of the city to require the dedication of land or the payment of fees, or both, the governing body of the school district shall submit a schedule specifying how it will use the land or fees, or both, to solve the conditions of overcrowding. The schedule shall include the school sites to be used, the classroom facilities to be made available.

15.48.180

and the time when such facilities will be available. In the event the governing body of the school district cannot meet the schedule, it shall submit modifications to the city council and the reasons for the modifications. (Prior code § 19A-3F)

15.48.190 Land or fees — Preference of developer.

At the time of filing an application for the approval of a proposed residential development located in an attendance **area** where the council has concurred with the findings of the school district as provided in this chapter, the applicant shall, **as** part of such filing, indicate whether he prefers to dedicate land for interim school facilities or to pay a fee in **lieu** thereof or do a combination of these. **If the applicant** prefers to dedicate land, he shall describe the specific land. (Prior code § 19A-3G)

15.48.200 Land or fees — Determination.

At the time of initial residential development or building permit approval, the planning agency shall determine whether to require a dedication of land within the development, payment of a fee in lieu thereof, or a combination of both. In making this determination, the agency shall consider the following factors:

A. Whether lands offered for dedication **will** be consistent with the general plan:

B. The topography, soils, soil stability, drainage, access, location and general utility of land in the development available for dedication:

C. Whether the location and amount

of lands proposed to be dedicated or the amount of fees to be paid, or both, will bear a reasonable relationship and will be limited to the needs of the community for interim elementary and/or high school facilities including all mandated educational programs and **will be reasonably** related and limited to the need for schools caused by the development:

D. Any recommendations made by affected school districts concerning the location and amount of lands to be dedicated

E. If only a subdivision is **proposed**, whether it will contain fifty parcels or **less**. (Prior code § 19A-3H)

15.48.210 Dedication.

When the dedication of land is required, the developer shall make a written offer of dedication to the affected school district, which shall then have thirty days in which to formally accept or reject the offer. If the school district rejects the offer of dedication, it shall notify the city council in writing of its reasons for so doing. The city council shall then determine whether to assess fees in lieu of dedication or require the dedication of other land within the proposed development. If the school district takes no action within thirty days of receiving the written offer, such offer shall be deemed to have been rejected. (Prior code § 19A-3I)

15.48.220 Fee payment.

If the payment of fees is required, such payment shall be made at the time the

building permit is issued. Only the payment of fees may be required in subdivisions or developments containing fifty parcels or less. (Prior code § 19.4-3J)

15.48.230 Amount required.

A. The location and amount of land to be dedicated or the amount of fees to be paid, or both, shall bear a reasonable relationship and will be limited to the need for interim school facilities caused by the development. The location of land to be dedicated shall be consistent with the city's general plan.

B. The council shall by resolution establish the amount of fees to be paid when required pursuant to the terms of this chapter. The rate for mobile homes shall be established by dwelling unit. The rate for all other dwelling units shall be established on a **per bedroom** basis. Any room designed for sleeping which has a closet is a bedroom for the purposes of this chapter. The total land area required to be dedicated pursuant to this chapter shall be at least equal in monetary value to the fees which would be otherwise required. The planning agency shall determine and establish the monetary value of land area for the purposes of this section. (Prior code §§ 19A-4A, 19A-4B)

15.48.240 Use of land and fees.

All land or fees, or both, collected pursuant to this chapter and transferred to a school district shall be used only for the purpose of providing interim elementary or high school classroom or related facilities. (Prior code § 19A-5A)

15.48.250 Accounting and report by school district.

Any school district receiving funds pursuant to this chapter shall remain a separate account for any fees paid and shall file a report with the city council on the balance in the account at the end of the previous **fiscal** year and the facilities **leased, purchased, or constructed** during the previous **fiscal** year. In addition, the report shall specify which attendance **areas** will continue to be overcrowded when the fall term begins and where conditions of overcrowding will no longer exist. Such report shall be filed by August 1st of each year and shall be filed **more** frequently at the request of the city council. (Prior code § 19A-5B)

15.48.260 Termination of requirements.

If overcrowded conditions no longer exist, the city shall cease levying any fee or requiring the dedication of any land pursuant to this chapter. (Prior code § 19A-5C)

15.48.270 School capacity determination.

The governing body of each school district shall, no later than May 1st of each year, determine the capacity of each school in the district and project the enrollment expected in each school for the next succeeding school year. This information shall be kept on file at the district offices and shall be made available to the public pursuant to the Public Records Act. The determination of capacity shall set forth the formulas or

other methods employed by the governing body in making its determination. (Prior code § 19A-5D)

Chapter 15.52

CAMP CARS AND TRAILER CAMPS

Sections:

- 15.52.010 Definitions.
- 15.52.020 Applicability—Conformance.
- 15.52.030 Permit—Required.
- 15.52.040 Permit—Application.
- 15.52.050 Permit—Posting.
- 15.52.060 Sanitation and maintenance.
- 15.52.070 Layout—Sites.
- 15.52.080 Drainage.
- 15.52.090 Water supply.
- 15.52.100 Removal of wheels—Fixing trailer.
- 15.52.110 Dogs at large.
- 15.52.120 Water closets—Bathing facilities.
- 15.52.130 Solid-waste receptacles.
- 15.52.140 Slop sinks.
- 15.52.150 Sewage disposal.
- 15.52.160 Lighting.
- 15.52.170 Living or sleeping in camp cars or trailers.
- 15.52.180 Register to be kept.

15.52.010 Definitions.

For the purposes of this chapter, the following terms shall have the meanings respectively ascribed to them by this section:

- A. "Camp car" or "trailer" is any

vehicle used for living or sleeping purposes and which is equipped with wheels or similar devices used for the purpose of transporting the unit from place to place, whether by motive power or other means.

B. "Campground" is any place, area or tract of land upon which is located any camp car or trailer used for living or sleeping purposes. (Prior code § 6-1)

15.52.020 Applicability—Conformance.

The provisions of this chapter shall be applicable to every campground within the incorporated area of the city, and it is unlawful for any person maintaining, operating, conducting or carrying on any such campground or for any person living or sleeping in any camp car or trailer located in a campground or any other person to violate or contribute in any way to the violation of any of the provisions of this chapter. (Prior code § 6-2)

15.52.030 Permit—Required.

Before building or constructing any campground or any improvements thereon situated or to be situated, the owner or party intending to operate the same shall first apply for and obtain such "special use permit" or other permit from the city council. (Prior code § 6-3)

15.52.040 Permit—Application.

Each application for a use permit to operate shall be in writing, upon a form provided by the city council for that purpose. It shall state the name and address of the applicant and a description of the property whereon or wherein it is proposed to conduct a campground. It shall

RESOLUTION NO. 91-196

=====

A RESOLUTION OF THE LODI CITY COUNCIL
CONCURRING WITH THE FINDINGS OF THE LODI UNIFIED SCHOOL DISTRICT
REGARDING IMPACTION AND DECLARING A STATE OF INPACTION
IN ATTENDANCE AREAS WITHIN THE DISTRICT

=====

WHEREAS, pursuant to Ordinance No. 1149, following receipt of the Declaration of ~~Continued~~ Conditions of Overcrowding by the Lodi Unified School District dated September 3, 1991, the City Council conducted a public hearing on October 16, 1991 regarding the District's declaration for the purpose of allowing interested parties to comment on the matter;

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council, following the receipt of testimony concerning the matter, does hereby concur with the findings of the Lodi Unified School District in declaring impaction in those school attendance areas shown on Exhibit A attached hereto, affected by current and proposed development plans, for the purpose of maintaining the previously adopted developer fee Ordinance 1149 pursuant to SB 201; and

BE IT FURTHER RESOLVED, that the Lodi City Clerk is hereby directed to transmit -a certified copy of this Resolution to the Governing Board of the Lodi Unified School District.

Dated: October 16, 1991

=====

I hereby certify that Resolution No. 91-196 was passed and adopted **by** the Lodi City Council in a regular meeting held October 16, 1991 by the following vote:

Ayes : Council Members - Pennino, Pinkerton, Sieglock, Snider
and Hinchman (Mayor)

Noes : Council Members - None

Absent: Council Members - None


Alice M. Reimche
City Clerk

91-196

impacted Schools in the City of Lodi 1991-92 School Year

EXHIBIT A

ELEMENTARY

Beckman
Heritage
Lakewood
Lawrence
Nichols
Reese
Vinewood
Washington

MIDDLE

Senior El

HIGH

Tokay High
Lodi High
Liberty High

OTHER

Washington DCH



CITY OF LODI

CARNEGIE FORUM

305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: October 16, 1991

Time: 7:30 p.m.

For information regarding this Public Hearing
Please Contact:

Alice M. Reimche
City Clerk

Telephone: 333-6702

NOTICE OF PUBLIC HEARING

October 16, 1991

NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

- a) The Lodi Unified School District 1991 Declaration of Impaction

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the **Public** Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Fine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:

Alice M. Reimche
City Clerk

Dated: October 2, 1991

Approved as to form:

Bobby W. McNatt
City Attorney

CITY COUNCIL

DAVID M. HINCHMAN, Mayor

JAMES W. PISBERTON, Jr.

Mayor Pro Tempore

PHILLIP A. PENNINO

JACK A. SIECLOCK

JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET

P.O. BOX 3006

LODI, CALIFORNIA 95241-1910

(209) 334-5634

FAX (209) 333-6795

THOMAS A. PETERSON

City Manager

ALICE M. REIMCHE

City Clerk

BOB McNATT

City Attorney

October 18, 1991

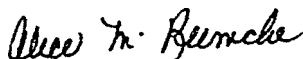
Karen Manning
Facility Planning
Lodi Unified School District
815 W. Lockeford Street
Lodi, CA 95240

Dear Ms. Manning:

Enclosed herewith please find certified copy of Resolution No. 91-196 entitled, "A Resolution of the Lodi City Council Concurring with the Findings of the Lodi Unified School District Regarding Impaction and Declaring a State of Impaction in Attendance Areas Within the District" which was adopted October 16, 1991 by the Lodi City Council following a public hearing regarding the matter.

Should you have any questions, please do not hesitate to call this office.

Very truly yours,



Alice M. Reimche
City Clerk

AMR/jmp

Enclosure

cc: James B. Schroeder, Community Development Director

LMANNING/TXTA.02J